
IN THE UNITED STATES DISTRICT COURT
CENTRAL DIVISION, DISTRICT OF UTAH

FILED
U.S. DISTRICT COURT
2006 FEB -2 A 11: 56

DISTRICT OF UTAH

DANIELLE DAWN DAVIS,

Plaintiff,

vs.

AMC, LLC,

Defendant.

BY: DEPUTY CLERK
Case No. 2:05CV00692-DAK

ORDER AND MEMORANDUM
DECISION

Judge Dale A. Kimball

Magistrate Judge Brooke C.
Wells

Before the court are Plaintiff, Danielle Davis', motion to compel and motion to withdraw as attorney.¹ Plaintiff's motion to compel seeks the production of documents requested in Plaintiff's request numbers 3 and 4. Defendant, AMC, represents in its opposition memorandum that Defendant "has supplemented its responses to the Request for Production of Documents and has produced the documents requested."² In light of AMC's

¹ See Motions, docket nos. 10, 15.

² Op. p. 1.

supplemental responses the court deems Plaintiff's motion to compel MOOT.

Plaintiff's counsel is also seeking to withdraw because Plaintiff has "failed to respond"³ following numerous attempts by counsel to obtain documents from Plaintiff. There are no currently scheduled hearings and this case is in its infancy. So, the court GRANTS Plaintiff's motion to withdraw. But, that now leaves Davis without counsel so the court orders the following:

Davis is hereby given forty-five (45) days from the date of this order to either retain new counsel, proceed *pro se*, or file with the court a motion to withdraw his case. Failure to provide the court notice of Plaintiff's intentions within 45 days may result in the dismissal of this action.

Finally, AMC seeks leave to amend its answer to include as an affirmative defense "the requirement to arbitrate this dispute pursuant to the arbitration provision contained within the . . . Employee Handbook provided to the plaintiff at the time of her employment."⁴ AMC also seeks leave to amend its answer to include an employment at-will defense. While it is somewhat puzzling to the court why AMC failed to include what appears to be easily identifiable defenses in its initial answer, the court

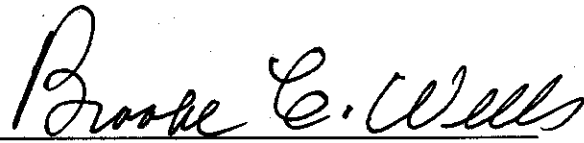
³ Mem. in Supp. p. 1.

⁴ Mem. in Supp. p. 1, docket no. 20.

finds pursuant to Rule 15 that leave should be given to amend.
Accordingly, AMC's motion to amend answer is GRANTED.⁵

DATED this 1 day of February, 2006.

BY THE COURT:

A handwritten signature in cursive script that reads "Brooke C. Wells". The signature is written in dark ink and is positioned above the printed name and title.

BROOKE C. WELLS
United States Magistrate Judge

⁵ See Motion, docket no. 19.